

Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

There being no further business, Councilman Alford moved to recess subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The Council then recessed at 12:15 P. M.

Approved: Tom Miller
Mayor.

Attest:

Hallie McKellar City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 25, 1935.

The meeting was called to order at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The Minutes of the special meeting of April 6th, and the regular meetings of April 11th and April 18th were read and upon motion of Councilman Gillis were adopted, as read, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Bartholomew went on record as approving the action of the City Council at its meetings of April 6th and April 18th, declaring that he would have voted "aye" on all matters had he been present at said meetings.

Councilman Wolf offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in LINDELL AVENUE, beginning at a point 20 feet west of the east line of Lindell Avenue and 256 feet north of the south end of said Lindell Avenue;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 20 feet west of and parallel to the east line of Lindell Avenue, for a distance of 60 feet;

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in Palma Plaza, beginning at a point 19 feet south of and 437 feet west of the intersection of the north line of Palma Plaza and the west line of Woodlawn Boulevard;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 19 feet south of and parallel to the north line of said Palma Plaza, for a distance of 78 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in CANTERBURY STREET, beginning at a point 19 feet west of and 19 feet south of the intersection of the east line of Perdenales Street and the north line of Canterbury Street;

Thence in an easterly direction with the centerline of a gas main, which centerline shall be 19 feet south of and parallel to the north line of Canterbury Street, for a distance of 160 feet to Julius Street.

Said gas main described above shall have a cover of not less than 2½ feet.

(4) A gas main in PERDENALES STREET, beginning at a point 19 feet south of and 19 feet west of the intersection of the north line of Canterbury Street and the east line of Perdenales Street;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 19 feet west of and parallel to the east line of said Canterbury Street, for a distance of 142 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report and resolution were read:

" Austin, Texas
April 18, 1935

Mr. Guiton Morgan
City Manager
Austin, Texas.

Dear Sir:

We, the undersigned, have considered the application of E. M. Bohls for permission to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps, sidewalks and commercial driveways in conjunction therewith upon property abutting the east side of South Congress Avenue and situated between Live Oak Street and Leland Street, which property is a portion of the Isaac Decker League within the City of Austin, Travis County, Texas, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District as shown upon the zoning maps of the City of Austin.

A storm sewer exists in Live Oak Street at South Congress Avenue. A storm sewer inlet exists on the east curb line of South Congress Avenue and at the south property line of Leland Street.

We recommend that E. M. Bohls be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps, sidewalks and commercial driveways in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the building ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-G-49.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-49 and shall be of the pre-moulded type.

(6) That before use of said station the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral,
City Engineer.

Lewis M. Hamby,
Building Inspector. "

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property abutting the east side of South Congress Avenue and being situated between Live Oak Street and Leland Street, which property is owned by E. M. Bohls and is designated as a portion of the Isaacs Decker League within the City of Austin, Travis County, Texas, and hereby authorizes the said E. M. Bohls to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps, sidewalks and commercial driveways in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic, and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said E. M. Bohls has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

Upon motion of Councilman Gillis, the resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THE PORTION OF ODOM STREET IN THE CITY OF AUSTIN LYING BETWEEN THE POINT IN SAID STREET 156 FEET WEST OF ITS INTERSECTION WITH SAN PEDRO STREET TO THE POINT OF THE INTERSECTION OF SAID ODOM STREET WITH SAN GABRIEL STREET, IN THE CITY OF AUSTIN, TEXAS.

The ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Wolf and carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Gillis moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion was seconded by Councilman Wolf and carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Gillis moved that same be finally passed. The motion was seconded by Councilman Wolf and carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

A petition asking for the repeal of the ordinance establishing hour parking on East 9th Street from the alley east of Congress Avenue to Brazos Street was read and laid on the table.

Councilman Wolf offered the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$4,075.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing from Estelle Lewright, et al. Lots 1 to 14, inclusive, in Block 2 of the M. E. Whitten Addition, a part of the Geo. W. Spear League, as shown by the plat of said Addition of record in Plat Book 2, Page 198, of the Plat Records of Travis County, Texas, subject to approval of title to said property by the City Attorney, all taxes on said property for the current year to be pro rated; said property to be used for a park and playground, the citizens of this area having been promised such park and playground for many years.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report of the Board of Adjustment was read:

"Austin, Texas
April 25, 1935.

Hon. Mayor and City Council
Austin, Texas.

Gentlemen:

Attached hereto is a copy of a resolution which was passed by the Board of Adjustment at a meeting held April 24, 1935, in regard to the changing of the Use designation of property located at the intersection of Willow Street and San Jacinto Street.

Yours respectfully,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne,
Chairman.

(RESOLUTION)

WHEREAS, the City Council, in accordance with the terms of the Zoning Ordinance, has submitted to the Board of Adjustment, for its consideration and recommendation, an

amendment to the Zoning Ordinance providing for the change of the Use designation of the west 65 feet of Lot 1, Block 184, Original City, said property being located at the south-east intersection of Willow Street and San Jacinto Street, from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment visited the lot in question and examined the surrounding neighborhood with a view to ascertain the most desirable use to which this property is best adapted; and

WHEREAS, the petitioner's request is for the change of the Use designation of a single lot; and

WHEREAS, the zoning maps of the City of Austin show the three south one-half blocks between Brazos and Neches Streets and the two blocks fronting on the Colorado River between San Jacinto and Neches Streets to be zoned as "B" Residence District; and

WHEREAS, the City of Austin has recently cleared, graded and landscaped the River front from Congress Avenue to Waller Creek upon which the lot in question abuts; and

WHEREAS, it is contemplated in the City plan for Austin to construct a boulevard along the Colorado River connecting East Avenue with Congress Avenue and Shoal Creek Boulevard; and

WHEREAS, it is contemplated for the City to purchase the two small blocks south of Willow Street fronting on this boulevard to provide additional space for the said boulevard; and

WHEREAS, the Board of Adjustment carefully considered this matter and found objections to such change; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above amendment and change in the Use District map be and is hereby disapproved and not recommended to the City Council of the City of Austin for the following reasons:

(1) That the petition to the City Council requests the change of a single lot which would result in a spot zone benefitting only one property owner and which would be discriminating against other adjacent property owners owning like property and which is contrary to the general principles of a comprehensive zoning ordinance;

(2) That the use to which the applicant intends to put the property, while in part residential, would also be more industrial in character than commercial as the applicant is principally engaged in the manufacture of custom-made ornamental iron work and incidentally carries a small stock of goods for retail trade;

(3) That in the conduct of such business a forge is used and various machinery which would create more or less noise and other disturbances which would adversely affect the comfort of surrounding residents;

(4) That an examination of this property and the other property now zoned on the maps of the City of Austin as "B" Residence property indicates that the said property is not suitable or adaptable for commercial uses and that its most desirable use is for residential purposes such as permitted in a Residence "B" District, principally apartments or multi-family dwellings, and that, therefore, the present designation should be preserved until such time as radical changes in neighborhood development occur;

(5) That in view of the contemplated future building of a boulevard along the River front, portions or all of the two blocks south of Willow Street would have to be acquired by the City of Austin for the construction of such a boulevard and that such a development would enhance the desirability of the remaining residential property for the uses now permitted;

(6) That it is desirable for the City to preserve and protect the River frontage along the Colorado River for future beautification and development in conformity with the original City Plan.

BOARD OF ADJUSTMENT

By (Sgd) M. F. Kushne, Chairman. "

It was the sense of the Council that the above recommendations of the Board of Adjustment be sustained.

There being no further business, Councilman Alford moved to recess, subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Council then recessed at 1:00 P. M.

Attest:

Halle McMillan
City Clerk

Approved:

Tom Miller
Mayor.